

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	1106	Press
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	113-114	
Dated	14. 7. 1862.	# .

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Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department,

14th July 1862.

No. 113. Read the following letter from J. FRASER, Esq., Acting Magistrate of North Arcot; to J. D. SIM, Esq., Secretary to Government, Judicial Department, Fort Saint George, dated Chittoor, 13th June 1862, No. 27.

I have the honor to forward, for the consideration and Orders of Government, copies of correspondence that has passed between Mr. Rohde, Inspector General of Prisons and myself, on the subject of convict labor in the town of Chittoor, and trust that Government will take a different view of the matter from that held by Mr. Rohde.

2. The Inspector General is in error, if he supposes that I ask for convict labor to build side drains in, or cleanse any but the main streets of the town, where large gangs can work collectively, and with the possibility of being efficiently overlooked.

3. There are certainly larger towns in this District than Chittoor; but save at Vellore, there are not, and cannot, be any prisoners available for want of proper lock-ups. The Inspector General would seem to argue, that because a Zilla town is a small one, or the only one in a District that could benefit by convict labor, it should not do so when its larger or more important neighbours are utterly precluded by distance, and other causes, from partaking these benefits. I certainly fail to see the force of such argument.

4. The Government are aware what a complete failure the attempt has been to introduce Municipal action in the Mofussil; and without it, or something analogous improvements, such as the building of side drains in the streets of a large town, are impossible. The local fund derived from Road-cess was certainly not meant for this purpose; and without funds, and a manifest disinclination on the part of the people to contribute them voluntarily, such improvements must be left alone if convict labor is not employed. If the prisoners are watched as they might, and ought to be, I do not see how Jail discipline, as we see it, can suffer.

5. The main streets of Chittoor are now swept by the people themselves. What I complain of is the want of stone or brick side drains, and the absence of the means of cleansing these. I presume that the Inspector General will allow, that a man may fairly make a covered drain from his house into the open one at the side of the street he lives in, in order that the water used for culinary and other purposes, and rain fall, may escape. Who are to make these side drains such that they will carry off what is conveyed into them, if the inhabitants of the town will not do so voluntarily, as in the present case they will not?

6. The argument that "hundreds of towns, and among them many of the most important in the country, receive no aid from convict labor," is quite beside the case in point. They have not received it hitherto simply because it was not available; convicts being as a rule kept at the station where the Jail is, and Judge resides himself. My experience is confined chiefly to the Northern Circars but I certainly never saw any town there that was properly kept, as regards its sanitary condition, whether with, or without the aid of convict labor.

Proceedings of the Inspector General of Jails under date the 15th April 1862, No. 214

Read the following letter from J. FRASER, Esq., Acting Magistrate of North Arcot; to J. ROHDE, Esq., Inspector General of Prisons, dated Chittoor, 8th April 1862, No. 113.

1. I have the honor to inform you that on the 4th instant, I sent the Acting Sessions Judge here a letter, copy of which and of his reply I beg to forward for your consideration.

2. I beg to state that I never contemplated the cleansing of back yards by the prisoners, nor even the sweeping of the streets as a rule. But I do consider that the cleansing of street side drains, into which those from houses are led, and the building and repair of the former by prisoners, is a legitimate object on which to employ them, and on which they may be employed in large gangs and without detriment to discipline, if proper rules be properly enforced. Were such a thing as municipal action possible in up-country towns, I would endeavour to introduce it here and patiently await its development. But you are doubtless aware how signally the attempt to organize Municipal associations under Act XXVI of 1850 has failed every where, for I do not consider those that exist at Salem and Vizagapatam to be successes in the true sense of the word: I know that at Vizagapatam to be mainly supported by an influential resident Native

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14th July 1862.*

proprietor; and at Salem I believe much the same sort of influence has conduced to the continuance of the association there. The efforts to introduce one at Vellore a much more important town than Chittoor failed years ago, and there is no better chance of success now.

3. Doctors Colvin, Smith and Arnold late and present Acting Zillah Surgeons here have prominently brought to my notice the filthy state of the side drains in the town streets, and I have verified their statements from personal observations. In one street in particular a low fever is endemic, owing I believe to the state of the drains there which is particularly bad. I have no means of clearing these, of repairing them, or building new ones save by the aid of the prisoners; and though discipline is doubtless a most important consideration in the employment of convicts, I think the public health is paramount, and that discipline might and should be made to fit into proper arrangement for preserving it.

4. I therefore trust that you will authorize the Acting Sessions Judge to comply with my request. We can together, I have no doubt, arrange to employ the convicts so as not to interfere with their discipline, i. e., if the guards are only properly vigilant.

5. I may state that at Mangalore I had during the time I was there, (from April 1860 to October 1861,) a gang of convicts about 30 in number always at my disposal for street cleansing operations; and I never heard of discipline having suffered in consequence. I had the same at Cuddapah up to the date of my quitting the district (March 19th 1860,) and with a similar result.

(True Copy.)

(Signed) J. FRASER,
Acting Magistrate.

ORDER.—The Inspector General of Jails has long been of opinion that the practice of employing convicts, indiscriminately, in cleansing the drains, or as scavengers, in towns, is inconsistent with the exercise of proper discipline in a Jail. It is impossible to preclude prisoners, so employed, from intercourse with the towns' people and others, especially if the prisoners are employed in the bye lanes and alleys, where it is impossible to keep them in large gangs under proper surveillance; the building of drains in towns is unavoidably attended with similar results. It is true that at the Zillah Stations prisoners have been very often so employed, and this without regard to the Jail rules; but it must be remembered that the Zillah Station town is but one and often but a small one, in comparison with others in the district, and that a whole community ought not to suffer by the want of discipline in a prison, for the sole purpose of indulging the population of a single town, with impunity in negligent and filthy habits. There is, no doubt, considerable difficulty in introducing Municipal regulations as contemplated by the Regulations, but the practice of combining to keep the town clean is by no means confined to those towns which have Municipal institutions. At Vizagapatam (one of the places referred to by the Magistrate) long before the introduction of Municipal regulations, prisoners to cleanse the town were refused, and it was pointed out to the Joint Magistrate, who made the application, that it was in his power to check the practices by which the town was made filthy, and that if convicts were employed as requested it would only induce a perseverance in the practice of making the public streets the receptacle for all kinds of refuse; the prisoners were it is true employed for one day but it was only in returning to every man's door what had been thrown from it, proper Police arrangements soon effected a reform. In Rajahmundry, for years, the bazar was kept clean by sweepers voluntarily employed by the occupants of the houses; hundreds of towns and among them many of the most important in the country, receive no aid from convict labor, and to the best of the Inspector General's belief the practice of giving convicts for the sweeping and cleansing of towns is generally discontinued with great advantage to the discipline of the Jails.

If the Government at any time sanction the employment of prisoners on public works with such relaxation in discipline and such reduction of guards as would place the convict, in the last period of his sentence, in the position of a pressed labourer, the public convenience might be

*Proceedings of the Madras Government, Judicial Department,
14th July 1862.*

considered paramount, but while the convict remains in Jail his employment in works of utility must be regarded as of secondary consideration.

OOTACAMUND, OFFICE OF INSPECTOR
GENERAL OF JAILS.

(Signed) J. ROHDE,
Inspector General of Jails.

(True Copy.)

(Signed) J. FRASER,
Acting Magistrate.

No. 114. ORDER THEREON, 14th July 1862, No. 1,106.

The Governor in Council considers that the objections urged by the Inspector General of Jails against the employment of Prisoners in cleansing and repairing the side drains in the streets of the town, as proposed by the Acting Magistrate, are well founded.

2. There can be no doubt that by perseverance and attention, the Magistrate can induce the inhabitants of the town to keep the drains in proper order.

(Signed) A. J. ARBUTHNOT,
Acting Chief Secretary.

Exd. P. Cartledge.

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C 1711.
The readings of the Inspector General of India
dated the 15th April 1862.

Read the following letter from
the Magistrate of South Arcot District.

Requests to authorize
the Magistrate to
allow the number of
convicts to clean the
town of Chittoor.

(17)

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(one of the places referred to by the

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Municipal regulations, prisoners to cleanse the
town were refused, and it was pointed out to the
District Magistrate, who made the application,
that it was in his power to check the practices
by which the town was made filthy, and that
if convicts were employed as requested it would
only induce a perseverance in this practice of
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fore employed for one day, but it was only in
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eration.

Octagon Office
of Inspector General
of Jails

Wm. J. P. de
Inspector General of Jails

to the City

Wm. J. P. de
Acting Magistrate

Wm. J. P. de
Acting Magistrate

Judicial Department.

From No 1181

The Acting Magistrate of North Arab.

Dated 13 June 1862.

For Order.

I have seen the
the acceptance of the
as detailed by the Act. is
sensible & that the reply made
by the J. G. of N. to the Act. is
correct.

There can be no doubt
that the Act. is
correct & that the Act. is

the Acting Magistrate
of North Arab.
the Acting Magistrate
of North Arab.
13 June 1862

Proceedings of the
Court of the General
of the Court
dated the 15 April
1862

1862/1862
No 1181

to much water over
the drains to the town
as will secure from the
inhabitants over amount
of water keep them
probably clear -

W.H.

Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letter from the
Acting Magistrate of North Arcot.

(Here enter 13 June 1862 No. 27.)

Order thereon 14 July 1862 No. 1106.

The Governor in Council
considers that the objections urged by the
Inspector General of Sails against the
employment of Prisoners in cleansing
and repairing the side drains in the
streets of the Town, as proposed by the
Acting Magistrate, are well founded.

2. There can be no doubt that
by perseverance and attention, the
Magistrate can induce the inhabi-
tants of the town to keep the drains in
proper order.

W.H.

W.H.

To The Magistrate of North Arcot
Inspector General of Sails.

} Despatch 15th

W.H.

Chapman
Bd & 1862. Department.

No. 1126.

PROCEEDINGS OF GOVERNMENT.

Dated 11th July 1862.

Having that for consideration
the objections urged by the Inspector
General of Railways against the
proposed of the by Magistrate of
H. West for to supply water
in clearing the side drains in
the street of Weston as well
funded.

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